

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VICTORIA JOHNSON,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	NOTICE OF REMOVAL
UNIVERSITY HOSPITALS,)	
)	
Defendant.)	
)	

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION:

Please take Notice that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, University Hospitals Health System, Inc. (“UHHS”), by its attorneys Giffen & Kaminski, LLC, removes this action from the Court of Common Pleas of Cuyahoga County to the United States District Court for the Northern District of Ohio, Eastern Division.

As grounds for removal of this matter, UHHS states as follows:

1. On July 26, 2013, Plaintiff Victoria Johnson filed a civil action against “University Hospitals” in the Court of Common Pleas of Cuyahoga County entitled *Victoria Johnson v. University Hospitals*, Case No. 13 CV 811326 (the “State Court Proceedings”). A true and accurate copy of the Complaint in the State Court Proceedings is attached as Exhibit A.
2. There is no such entity as “University Hospitals” doing business in the State of Ohio.
3. “University Hospitals” is a registered trade name of UHHS.
4. “University Hospitals” was served with a copy of the Complaint on August 23, 2013.

5. UHHS never employed Plaintiff. In an abundance of caution, however, UHHS assumes that Plaintiff intended to file suit against UHHS and hereby seeks to remove this action to this Court.

6. In her Complaint, Plaintiff alleges that UHHS violated her rights under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., as amended (“ADA”). (Ex. A, ¶¶ 21-24).

7. Based on this claim, Plaintiff seeks compensatory damages, punitive damages, and attorneys fees. (Ex. A at p. 6).

8. This Court has original jurisdiction over Plaintiff’s ADA claim pursuant to 21 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”).

9. Because this Court has original jurisdiction, this civil action is removable “without regard to the citizenship or residence of the parties.” 28 U.S.C. § 1441(b).

10. Plaintiff’s removable claim for violation of the ADA is joined with other non-removable claims. As a result, “the entire case may be removed and the district court may determine all issues therein.” 28 U.S.C. § 1441(c).

11. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, UHHS will file a copy of this Notice with the Clerk of Courts for the Common Pleas Court of Cuyahoga County, Ohio, and will provide Plaintiff with a copy of such Notice as well as written notification that it has been filed. Attached as Exhibit B is a copy of the Notice of Filing Notice of Removal, which will be filed in the Court of Common Pleas of Cuyahoga County, Ohio.

12. No admission of fact, law, or liability is intended by this Notice of Removal and UHHS expressly reserves any and all rights, claims, defenses, affirmative defenses and motions, including without limitation all jurisdictional, procedural and substantive defenses.

13. As required by 28 U.S.C. § 1446(a), this Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, UHHS prays that the above-referenced civil action proceed in the United States District Court for the Northern District of Ohio, Eastern Division, as an action properly removed thereto.

Respectfully submitted,

/s/ Rachael L. Israel

Kerin Lyn Kaminski (0013522)

Rachael L. Israel (0072772)

GIFFEN & KAMINSKI, LLC

1300 East Ninth Street, Suite 1600

Cleveland, Ohio 44114

Telephone: (216) 621-5161

Facsimile: (216) 621-2399

E-mail: kkaminski@thinkgk.com

risrael@thinkgk.com

***Attorneys for Defendant University Hospitals
Health Systems, Inc.***

CERTIFICATE OF SERVICE

A copy of the foregoing *Notice of Removal* has been served, via regular U.S. mail, postage prepaid, this 11th day of September 2013, upon:

Mark P. Herron
75 Public Square, Suite 920
Cleveland, Ohio 44113

Attorney for Plaintiff

/s/ Rachael L. Israel

Rachael L. Israel